

UNITED STATES DISTRICT COURT **Feb 16, 2017**
EASTERN DISTRICT OF WASHINGTON SEAN F. McAVOY, CLERK

SHEILA MACKEY,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:16-CV-3094-SMJ

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND**

Before the Court, without oral argument, is the parties' Stipulated Motion for Remand. ECF No. 21. This action concerns Plaintiff Mackey's appeal from a final administrative decision denying her application for Social Security Disability and Supplemental Security Income following a hearing in the above-captioned case on March 22, 2016. ECF No. 3 at 1–2. That decision became the final determination of the Commissioner of Social Security when the Appeals Council denied the request to review the ALJ's decision. ECF No. 10-2 at 1. Pursuant to 42 U.S.C. §405(g) and 42 U.S.C. § 1383(c)(3), Plaintiff sought judicial review of the Commissioner's decision.

Invoking sentence four of 42 U.S.C. §405(g), the parties now request that this Court reverse the Commissioner's final determination and remand the matter for

1 further administrative proceedings and a new decision.¹ ECF No. 21. Plaintiff,
2 through her counsel of record, does not oppose this motion. *Id.* at 2. Having
3 reviewed the pleadings and the file in this matter, the Court is fully informed and
4 **GRANTS** the motion.

5 Accordingly, **IT IS HEREBY ORDERED:**

6 **1.** Defendant's Stipulated Motion for Remand, **ECF No. 21**, is
7 **GRANTED.**

8 **2.** The Court **REVERSES** the Commissioner's final determination, *see*
9 *Shalala v. Schaefer*, 509 U.S. 292 (1993), and **REMANDS** this case,
10 *see* sentence four of 42 U.S.C. § 405(g), for further administrative
11 proceedings and a new decision.

12 **3.** The ALJ is instructed to hold a new hearing and to reevaluate the
13 claimant's testimony and the medical opinions, including the opinions
14 of Dr. Toews, Dr. Billings, and PA-C Spitler, consistent with the
15 Court's remand order and, as necessary, continue with the sequential
16 evaluation process.

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¹ Sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405 (g), states: "The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing."

1 **4.** The Clerk is directed to **ENTER JUDGMENT** in accordance with
2 Federal Rule of Civil Procedure 58.


3 **5.** All pending motions are **DENIED AS MOOT**.

4 **6.** All hearings and other deadlines are **STRICKEN**.

5 **7.** The Clerk's Office is directed to **CLOSE** this file.

6 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and
7 provide copies to all counsel.

8 **DATED** this 16th day of February 2017.

9 
10 SALVADOR MENDOZA, JR.
 United States District Judge